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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,420	07/08/2003	Ronald Hegli	WEBSEN.013C1	1267

20995 7590 07/02/2008

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
BLAIR, DOUGLAS B	

ART UNIT	PAPER NUMBER
2142	

NOTIFICATION DATE	DELIVERY MODE
07/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No.	Applicant(s)	
	10/616,420	HEGLI ET AL.	
	Examiner	Art Unit	
	DOUGLAS B. BLAIR	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 19-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1-8 and 19-20 are pending. Claims 19 and 20 have been amended.

Response to Arguments

Applicant's arguments filed 6/5/2008 have been fully considered but they are not persuasive.

The applicant first argues that the applicant's amendments to claims 19 and 20 have overcome the rejection based on 35 USC section 101. The Examiner does not agree. The amendments do not clarify that the claimed subject matter is no software per se. To the contrary, it appears that the claims can now only be directed towards software per se because software instructions are usually "executed" and not hardware components.

The applicant's arguments against the 35 USC section 103 rejections are not persuasive. The applicant is ignoring the broad nature of the applicant's claims. Specifically, the applicant's claims do not specify that the claimed timer is directly related to the claimed content category. In other words, any timer that limits the usage of all content on the Internet would read on the applicant's claimed timer because a timer for "all" content access will increment according to any content category accessed since a content category is included in "all" content. Freund shows such a timer for "all" content access in Figure 7A (world wide web access is limited to one hour). Freund may not explicitly mention content categories but for the reasons discussed in the rejection it would have been obvious to combine Freund with the concept of categories of content taught by Reisman. To summarize the rejection, Freund is relied upon to show that the

concept of providing time based access to websites is obvious and Reisman shows that restricting access to broad categories of sites is obvious. The applicant's claimed invention is not patentably distinct from these teachings.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19-20 are directed towards a system comprising means for implementing the applicant's invention. Paragraphs 63-69 of the applicant's specification indicate that each of these claimed means are actually directed towards software modules. Since the claimed system is only comprised of software, it is treated as software per se. Software per se does not fit into any of the statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,987,611 to Freund et al. in view of U.S. Patent Number 6,769,009 to Reisman.

As to claim 1, Freund teaches a method of controlling user access to Internet sites, comprising: determining an Internet site that a user is accessing; providing a timer; incrementing said timer with time spent accessing Internet site by said user and blocking said user from accessing the Internet site when said timer reaches a predetermined level (Figure 7A and col. 9, line 64-col. 10, line 43); however Freund does not explicitly teach limiting based on a content category of Internet sites. Freund does suggest that it may be beneficial to limit the access to certain types of content (col. 9, lines 38-41).

Reisman teaches a method of restricting access based on the content category of Internet sites (col. 50, lines 8-19).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Freund regarding limiting the amount of time a use can spend on an internet site with the teachings of Reisman regarding limiting access to content categories because content categories would allow a user of Freund's system to more broadly characterize rules instead of having to type each website in manually as shown in Figure 7A of Freund. Furthermore the combination of the teachings of Freund and Reisman would produce a predictable result if combined as the categories described by Reisman could easily be plugged into the table in Figure 7A of Freund without any conceptual change to either.

As to claims 2 and 3, Freund allows a user to pick any arbitrary amount of time (Figure 7A).

As to claims 4 and 5, Freund shows that the time limit can be in effect for one day (Figure 7A).

As to claim 6, a second rule can be plugged into Figure 7A of Freund for a second content category.

As to claim 7, Freund teaches logging activities (col. 9, lines 17-19).

As to claim 8, Reisman describes how webpages are conventionally cached. Freund does not state that the Freund invention applies to cached webpages. Therefore a user of the Reisman-Freund combination would not be restricted from cached web pages.

As to claims 19 and 20, they are directed towards a system for implementing the method of claims 1 and 8 and are therefore rejected for the same reasoning as claims 1 and 8.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Examiner, Art Unit 2142